

14

FILED USDC - CLRK DET
2021 MAR 10 PM 3:55

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Criminal No. 17-cr-20274

Honorable Bernard A. Friedman

v.

D-1 JUMANA NAGARWALA,
D-2 FAKHRUDDIN ATTAR,
D-3 FARIDA ATTAR, and
D-4 FATEMA DAHODWALA

VIO: 18 U.S.C. § 371
18 U.S.C. § 1001
18 U.S.C. § 1512(k)
18 U.S.C. § 1512(b)(3)

Defendants.

FOURTH SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES:

GENERAL ALLEGATIONS

At all times relevant to this Fourth Superseding Indictment:

1. Some members of a particular community (the Community) are known to practice female genital mutilation (FGM). In the Community, this practice is called *khatna* or *khafd*.

2. JUMANA NAGARWALA, an emergency room physician, was employed by a major southeastern Michigan medical center, and was a resident of Wayne County, Michigan

3. FAKHRUDDIN ATTAR, an internal medicine physician, owned and operated Burhani Medical Clinic, located at 15712 Farmington Road, Livonia, Michigan.

4. FARIDA ATTAR, FAKHRUDDIN ATTAR's wife, was employed as the office manager of Burhani Medical Clinic, located at 15712 Farmington Road, Livonia, Michigan.

5. FATEMA DAHODWALA was a resident of Oakland County, Michigan.

COUNT ONE

Conspiracy to Make False Statements
18 U.S.C. § 371

D-1 JUMANA NAGARWALA

D-2 FAKHRUDDIN ATTAR

D-3 FARIDA ATTAR

D-4 FATEMA DAHODWALA

6. Paragraphs 1 through 5 of this Fourth Superseding Indictment are re-alleged and incorporated by reference as though fully set forth herein.

7. Beginning in or around May 2016, and continuing through on or about April 10, 2017, in the Eastern District of Michigan, and elsewhere, defendants JUMANA NAGARWALA, FAKHRUDDIN ATTAR, FARIDA ATTAR, and FATEMA DAHODWALA did knowingly and willfully conspire and agree together and with persons known and unknown to the Grand Jury to make and cause to be made false, fictitious, and fraudulent statements and representations as to material facts in a

matter within the jurisdiction of the executive branch of the Government of the United States, in violation of 18 U.S.C. § 1001.

Purpose of the Conspiracy

8. It was the purpose of the conspiracy for JUMANA NAGARWALA, FAKHRUDDIN ATTAR, FARIDA ATTAR, and FATEMA DAHODWALA and others to make false, fictitious, or fraudulent statements and representations to law enforcement officers, including task force officers and special agents with the Federal Bureau of Investigation (FBI) and Department of Homeland Security Investigations (HSI), among others, regarding JUMANA NAGARWALA performing *khatna* and *khatna* being performed in the Community.

Manner and Means

9. The manner and means by which the defendants and others sought to accomplish the purpose of the conspiracy included, among other things:

10. As early as 2005, *khatna* was being practiced in the Community within the Eastern District of Michigan.

11. On May 11, 2016, a resolution was passed in the Community identifying that FGM was prohibited in the State of Michigan and the United States generally, that *khatna* could be interpreted as a type of FGM, and that all members of the Community should not engage in *khatna* (Resolution).

12. Despite knowledge of the Resolution and the prohibitions against FGM in the State of Michigan and the United States generally, JUMANA NAGARWALA, FAKHRUDDIN ATTAR, FARIDA ATTAR, and others continued to practice and engage in *khatna*.

13. In order to conceal the ongoing practice of *khatna* in the Community, JUMANA NAGARWALA, FAKHRUDDIN ATTAR, FARIDA ATTAR, and FATEMA DAHODWALA agreed to make false statements; intentionally omit information from statements, thereby causing portions of statements to be misleading; and intentionally conceal material facts, thereby creating false impressions by such statements to law enforcement officers, including the FBI, HSI, and other investigating agencies, regarding whether *khatna* took place, or was, in fact, taking place in the Community or was being performed by JUMANA NAGARWALA.

Overt Acts

14. In furtherance of the conspiracy and to accomplish its object and purpose, the defendants and others committed and caused to be committed, in the Eastern District of Michigan, and elsewhere, the following overt acts:

15. On or about May 19, 2016, FAKHRUDDIN ATTAR sent a text message to Community leadership (or “B of D”) that provided, “Regarding FGM, if someone asks about it, we can refer them to the resolution we passed, and that we strongly

condemn FGM. What was done in various parts of the world in our community (of course in the past) was CHR (Clitoral Hood Reduction). You can look this up on Wikipedia. This is gynecologic or plastic surgery procedure done fairly commonly in the U.S. and elsewhere. It has beneficial effects for women, including improved sexual gratification.”

16. On or about May 19, 2016, FAKHRUDDIN ATTAR sent a second text message to Community leadership that provided, “Pl don’t comment on this. Pl call me if any questions.”

17. On or about May 19, 2016, FAKHRUDDIN ATTAR sent a text message to JUMANA NAGARWALA indicating that he had “Sent this [foregoing text message] to the B of D,” and inquired whether the text message “Looks okay,” to which JUMANA NAGARWALA responded “Okay,” and, “Yes, I think so.”

18. On or about April 10, 2017, during an interview with FBI and others, FATEMA DAHODWALA was asked about *khatna* and said she was going to call her husband, but, in fact, called JUMANA NAGARWALA, who was with FAKHRUDDIN ATTAR and FARIDA ATTAR.

19. During that telephone call, specifically regarding *khatna*, JUMANA NAGARWALA told FATEMA DAHODWALA to say to law enforcement that nothing happened, that it never happened, and that she did not know about it.

20. During that telephone call, specifically regarding *khatna*, FARIDA ATTAR told FATEMA DAHODWALA to say to law enforcement that we don't believe in this anymore and to deny the allegations.

21. Thereafter, FATEMA DAHODWALA agreed with JUMANA NAGARWALA and FARIDA ATTAR, returned to the interview, and despite knowing that *khatna* was performed in the Community told the FBI that they did not perform *khatna* and further offered to provide the Resolution to the FBI in an effort to misrepresent to the FBI that *khatna* was not occurring in the Community.

All in violation of 18 U.S.C. § 371.

COUNT TWO

False Statements

18 U.S.C. § 1001

D-1 JUMANA NAGARWALA

D-3 FARIDA ATTAR

D-4 FATEMA DAHODWALA

22. Paragraphs 1 through 5, and 9 through 21, of this Fourth Superseding Indictment are re-alleged and incorporated by reference as though fully set forth herein.

23. On or about April 10, 2017, within the Eastern District of Michigan, and elsewhere, defendants JUMANA NAGARWALA, FARIDA ATTAR, and FATEMA DAHODWALA, in a matter within the jurisdiction of the executive branch of the Government of the United States, that is an investigation into FGM,

knowingly and willfully (1) falsified, concealed, and covered up by trick, scheme, and device a material fact, and (2) made materially false, fictitious, and fraudulent statements and representations, to wit: FATEMA DAHODWALA, aided and abetted by JUMANA NAGARWALA and FARIDA ATTAR, did state to FBI Task Force Officer Sunshine Ponzetti that *khatna* was not performed in the Community, when in fact, as they knew then, that *khatna* was, in fact, performed in the Community, in violation of 18 U.S.C. § 1001.

COUNT THREE

Conspiracy to Tamper with a Witness
18 U.S.C. § 1512(k)

D-1 JUMANA NAGARWALA

D-2 FAKHRUDDIN ATTAR

D-3 FARIDA ATTAR

24. Paragraphs 1 through 5, and 9 through 21, of this Fourth Superseding Indictment are re-alleged and incorporated by reference as though fully set forth herein.

25. On or about April 10, 2017, in the Eastern District of Michigan, and elsewhere, defendants JUMANA NAGARWALA, FAKHRUDDIN ATTAR, and FARIDA ATTAR did knowingly and willfully conspire and agree together and with other persons both known and unknown to the Grand Jury to attempt and to intimidate, threaten, and corruptly persuade each other and other members of the Community, and to engage in misleading conduct toward other members of the

Community, with the intent to hinder, delay, and prevent the communication to a law enforcement officer of the United States, including task force officers and special agents with the FBI and HSI, of information relating to the commission and possible commission of a Federal offense, namely FGM, in violation of 18 U.S.C. § 1512(b)(3).

Purpose of the Conspiracy

26. It was the purpose of the conspiracy for JUMANA NAGARWALA, FAKHRUDDIN ATTAR, and FARIDA ATTAR to intimidate, threaten, and corruptly persuade each other and other members of the Community, and to engage in misleading conduct toward other members of the Community, with the intent to hinder, delay, and prevent the communication by members of the Community to law enforcement officers, including task force officers and special agents with the FBI and HSI, of information relating to the commission and possible commission of a Federal offense, namely FGM, and to attempt to do so.

Manner and Means

27. The manner and means by which the defendants and others sought to accomplish the purpose of the conspiracy included, among other things:

28. JUMANA NAGARWALA, FAKHRUDDIN ATTAR, and FARIDA ATTAR did instruct others, including FATEMA DAHODWALA, Community Member-1, Community Member-2, and Community Member-3, among others, to make false

statements; intentionally omit information from statements, thereby causing portions of the statements to be misleading; and intentionally conceal material facts, thereby creating false impressions by such statements to law enforcement officers of the United States, namely the FBI, and other investigating agencies regarding whether *khatna* took place, or was, in fact, taking place, or was performed by JUMANA NAGARWALA.

All in violation of 18 U.S.C. § 1512(k).

COUNT FOUR

Tampering with a Witness

18 U.S.C. § 1512(b)(3)

D-1 JUMANA NAGARWALA

D-3 FARIDA ATTAR

29. Paragraphs 1 through 5, and 9 through 21, of this Fourth Superseding Indictment are re-alleged and incorporated by reference as though fully set forth herein.

30. On or about April 10, 2017, within the Eastern District of Michigan, and elsewhere, defendants JUMANA NAGARWALA and FARIDA ATTAR did intimidate, threaten, and corruptly persuade another person, and engaged in misleading conduct toward another person, and attempted to do so, with the intent to hinder, delay, and prevent the communication to a law enforcement officer of the United States of information relating to the commission and possible commission of a Federal offense, namely FGM, to wit: JUMANA NAGARWALA and FARIDA

ATTAR instructed FATEMA DAHODWALA to make false statements; intentionally omit information from statements, thereby causing portions of the statements to be misleading; and intentionally conceal material facts, thereby creating false impressions by such statements to law enforcement officers of the United States, namely the FBI, and other investigating agencies regarding whether *khatna* took place, or was, in fact, taking place, or was performed by JUMANA NAGARWALA, in violation of 18 U.S.C. § 1512(b)(3).

COUNT FIVE

Tampering with a Witness

18 U.S.C. § 1512(b)(3)

D-1 JUMANA NAGARWALA

D-2 FAHKRUDDIN ATTAR

D-3 FARIDA ATTAR

31. Paragraphs 1 through 5, and 9 through 21, of this Fourth Superseding Indictment are re-alleged and incorporated by reference as though fully set forth herein.

32. On or about April 10, 2017, within the Eastern District of Michigan, and elsewhere, defendants JUMANA NAGARWALA, FAKHRUDDIN ATTAR, and FARIDA ATTAR did intimidate, threaten, and corruptly persuade another person, and engaged in misleading conduct toward another person, and attempted to do so, with the intent to hinder, delay, and prevent the communication to a law enforcement officer of the United States of information relating to the commission and possible

commission of a Federal offense, namely FGM, to wit: defendants JUMANA NAGARWALA, FAKHRUDDIN ATTAR, and FARIDA ATTAR attempted to, and instructed Community Member-2 to tell Community Member-1 to make false statements; intentionally omit information from statements, thereby causing portions of the statements to be misleading; and intentionally conceal material facts, thereby creating false impressions by such statements to law enforcement officers of the United States, including the FBI, and other investigating agencies regarding whether *khatna* took place, or was, in fact, taking place, or was performed by JUMANA NAGARWALA, which false statements and representations Community Member-1 relayed during an interview with the FBI, in violation of 18 U.S.C. § 1512(b)(3).

THIS IS A TRUE BILL.

s/Grand Jury Foreperson

GRAND JURY FOREPERSON

SAIMA S. MOHSIN
Acting United States Attorney

s/Sara D. Woodward

SARA D. WOODWARD
Assistant United States Attorney
211 West Fort Street, Ste. 2001
Detroit, MI 48226-3220
sara.woodward@usdoj.gov

s/John Neal

JOHN NEAL
Assistant United States Attorney
Chief, White Collar Crime Unit
211 West Fort Street, Ste. 2001
Detroit, MI 48226
john.neal@usdoj.gov

s/Daniel Kahn

DANIEL KAHN
Acting Chief, Fraud Section
Department of Justice, Criminal Division

s/Amy Markopoulos

AMY MARKOPOULOS

Trial Attorney

Department of Justice, Fraud Section

1400 New York Avenue, NW

Washington, DC 20005

amy.markopoulos@usdoj.gov

s/Malisa Dubal

MALISA DUBAL

Assistant Chief

Department of Justice, Fraud Section

1400 New York Avenue, NW

Washington, DC 20005

malisa.dubal@usdoj.gov

Dated: March 10, 2021

United States District Court Eastern District of Michigan	Criminal Case Cover Sheet	Case Number: 17-cr-20274
----------------------------------------------------------------------	----------------------------------	------------------------------------

NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete it accurately in all respects.

Companion Case Information	Companion Case Number:
This may be a companion case based on LCrR 57.10(b)(4) ¹ :	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	AUSA's Initials: > 2

Case Title: USA v. Jumana Nagarwala, et al

County where offense occurred: Wayne County and Oakland County

Offense Type: Felony

Indictment --- based upon LCrR 57.10 (d) [Complete Superseding section below]

Superseding Case Information

Superseding to Case No: 17-cr-20274 **Judge:** Bernard A. Friedman

Reason:

Embraces same subject matter but adds the additional defendants or charges below:

<u>Defendant Name</u>	<u>Charges</u>	<u>Prior Complaint (if applicable)</u>
Count One D-1Jumana Nagarwala D-2 Fahkruddin Attar D-3 Farida Attar D-4 Fatema Dahodwala	18 U.S.C. § 371 Conspiracy to Make False Statements	
Count Two D-1Jumana Nagarwala D-3 Farida Attar D-4 Fatema Dahodwala	18 U.S.C. § 1001 False Statements	
Count Three D-1Jumana Nagarwala D-2 Fahkruddin Attar D-3 Farida Attar	18 U.S.C. § 1512(k) Conspiracy to Tamper with a Witness	
Count Four D-1Jumana Nagarwala D-3 Farida Attar	18 U.S.C. § 1512(b)(3) Tampering with a Witness	
Count Five D-1 Jumana Nagarwala D-2 Fahkruddin Attar D-3 Farida Attar	18 U.S.C. § 1512(b)(3) Tampering with a Witness	

Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.

March 10, 2021

Date

Sara D. Woodward
Assistant United States Attorney
211 W. Fort Street, Suite 2001
Detroit, MI 48226-3277
Phone: 313-226-9180
Fax: 313-226-2873
E-Mail address: Sara.Woodward@usdoj.gov

¹ Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, or (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.